

**POST COUNCIL MEETING  
AUGUST 18, 2007  
MONTANA LAW ENFORCEMENT ACADEMY  
HELENA, MT**

**MEMBERS PRESENT:**

Chair Winnie Ore, Ray Murray, Mike Mehn (left 2:15pm), Levi Talkington (left 12:15pm), Tony Harbaugh, Wayne Ternes, Allen Horsfall, Mike Anderson, John Strandell, Mike Reddick, Dennis McCave

**MEMBERS ABSENT:**

Hannah Tillman

**OTHERS PRESENT:**

Deb Butler, Geri Mason, Lisa Hunter, Ray Barnicoat, Col Mark Moberly, Jerry Williams, Mark Tymrak, Mike Batista, Kevin Olsen

**A. MEETING CALLED TO ORDER**

Chair Winnie Ore opened the meeting at 9:00 AM

Winnie noted that now is a “momentous” moment – We are no longer the Peace Officers Standards & Training but the Public Safety Officer Standards & Training Council. Excited about the new future for POST.

Winnie thanked Allen Horsfall for stepping in as Interim POST Director and Kevin Olsen’s generosity for the space at MLEA. Allen read letter to thank Mr. Kevin Olsen – **letter in packet**. Winnie thanked Col. Moberly for lending Mr. Horsfall to POST. Mr. Horsfall read letter thanking Col. Moberly – **letter in packet**.

Mr. Horsfall reported on the hiring process for the POST Director.

Winnie Ore introduced Wayne Ternes to POST Council. Wayne Ternes expressed his thanks to the POST Council and to Geri Mason and Lisa Hunter for assisting with the minutes. He is excited for the new law and how the POST Council is re-designed and now is administratively attached to DOJ. Winnie thanked the MLEA administrative staff, Mary Baker, Geri Mason, DOJ IT Dept, Claudia Martin, Kristel Matchett, DOA, etc. for all the hard work.

Introductions of POST Council Members & guests.

**B. APPROVAL OF MINUTES**

**Motion**

**Dennis McCave** moved to approve the minutes of the May 17, 2007 meeting.

**John Strandell** seconded

- Allen Horsfall requested to clarify a section on Page 9 of the minutes regarding the Certification List– John Strandell had moved to deny Tom Butler from Certification list for the Command Certificate. Allen was wondering if Tom Butler was the person discussed or if Steve Lavin was the person who should have been in the discussion regarding the Command Certificate. Allen requested to strike or amend the minutes.

**Dennis McCave** withdrew previous motion and restates the motion to approve the Minutes of the May 17, 2007, and delete the first and second line of the 4<sup>th</sup> to last paragraph on Page 9 of the Minutes.

**John Strandell** seconded motion.

**Motion carried.**

## **C. OLD BUSINESS**

### **1. Status of the ARM Rewrite – Winnie Ore**

- The ARMS are sitting in a rewrite format and will have to be re-written because of the new structure changes in POST. Will need to work with the Montana Board of Crime Control to rescind the current rules in the ARM's while at the same time having the new rules put into the ARM's. The Montana Board of Crime Control went through several rewrites but none of the rewrites were finalized. Allen stated that the rewrite done at MBCC is about 90% completed and the Revocation & Suspension portion of the rewrite is of the highest priority. Wayne will have to operate under the current ARMs. Winnie stated the ARM's must be clear & concise for guidance and direction to be really "useable".
- Winnie also stated that a committee must be appointed to work on the ARMS re-write. Allen stated that not just POST members be appointed to the committee. Winnie would like ARM's rewritten and ready for the hearings process by December 2007.
- Kevin Olsen stated that the Secretary of State charges \$40 per page. Try to get with John Ellingson and Ali Bovington from DOJ to work on ARMS at the earliest stages of the re-write. Must have a statement of purpose and two public hearings. Accept testimony at each hearing. If kicked back, you start process over again.
- Allen - MBCC will have to write an appellant rule process on the ARMS. Attach two together with two entities involved so that the rule is done all at once.
- John Strandell's concern is that the schedule is aggressive. Winnie stated that she would like to have just the rewrite done by Dec and ready to start process.

### **2. Discussion of Effective Legislation regarding POST**

Reviewed **Section 1, Subsection (b)** of the current legislation – "The Council may hire its own personnel and independently administer the conduct of its business..." which means POST is an independent entity and must remain so.

The only personnel in the Department now is Wayne Ternes. We have no budget. We were able to hire the Director position but no money for the Administrative Support position. DOJ will assist with some budget issues. Winnie's concern is to find someone with the qualifications but willing to work on a low income but also have a high integrity to deal with the confidentiality issue.

### **Section 2 - Definitions –**

Winnie - The Corrections definitions were cleaned up.

Allen – (c) peace officer definition changed to 46-1-202 which expands the definition of a Peace Officer; (e) reserve officer added and (i) any other person ... added. More disciplines brought under this section.

### **Section 3 - Membership**

Allen – The Council will consist of no more than 13 members but only 10 are currently attending. Chief of Police and County Attorney are mandated to sit on council. The Tribal or Native American representative must be POST certified.

Those currently serving will serve out their terms and there may be some that will need to come into compliance to become members. MBCC has two members that have been appointed by the Governor. The Appointments have not been made for the positions that are currently vacant. The Governor is still considering applicants for POST Council.

1 Government Law Enforcement Officers – currently have three - John Strandell,  
Mike Mehn and Mike Reddick,  
Chief of Police – Open  
Sheriff – Tony Harbaugh  
DOC – Winnie Ore  
Law Enforcement Officer in a non-administrative position – Levi Talkington  
Detention Officer – Dennis McCave  
Tribal Law Enforcement Officer – Hannah Tillman– not POST certified  
1 County Attorney – open  
2 Montana Board of Crime Control – Mike Anderson, open  
3 citizens – Ray Murray, open, open

### **Section 4 – Council Duties – determinations - appeals –**

Winnie reviewed and clarified this section –

Allen verified that the rest of statute is current - just reviewed the “meat” of the statute.

Winnie encourages everyone to get themselves familiar with the new Legislation.

Kevin requests Mike Batista to discuss the Budget – will be discussed later on the Agenda

### **3. Clarification of 180 Day Rule and 35 Day POST Accreditation Process**

- Allen – In the last May Meeting, POST Council that there will be **no** exception to the 180 day rule for POST training to be inserted into a training transcript. (The 180 day rule is not currently in the ARM's but is currently in the ARM rewrite.) Allen requested that on a 180 day waiver that POST Council give the POST Director the authority to review these issues and make the decisions. In some instances it is not the officer's fault that the training was not turned in to be POST certified.
- Levi – the idea was to hold the accountability to agency hosting course; a good idea to give the authority to POST Director.
- John S. – Agencies were getting lax and concerned that if we give the Director the authority to grant the 180 day extensions that the agencies will fall back into old habits of not getting paperwork into POST Council.

- Winnie – Mark Thatcher sent out a letter went to all heads of agencies warning them to submit their paperwork within the 180 days
- Dennis – taking out the 180 day rule will eventually cause conflict with 35 day accreditation process; why have the rule and not enforce it but the exception clause is always there
- John – no sympathy towards a person for not calling POST to get training course POST certified. Rules have been in place for a long time and we must hold people accountable. The door is still open for a person to come to POST meeting. POST Council was dealing with too much irresponsibility
- Allen - meeting minutes stated door was closed to 180 day rule with no exceptions.
- Dennis – intent was to close door not lock it. POST Director could bring paperwork to council as a request for exception.
- Winnie – if the case is severe enough we will have a window open - Chief of Police or head of agency can meet with POST Council for recommendation on the 180 day rule.
- Allen wanted clarification of the last meeting minutes – sounded like the Council shut the door completely on the 180 day rule but left it open on the 35 day rule
- Wayne Ternes – one of the goals he would like to see is to get agencies excited about what POST means and getting their staff POST accredited.
- Winnie – questioned if we are good as it stands
- John – thought POST council would leave a door open but yet still wanted to be serious about the rule; did not think it needed to be revisited
- Dennis – agreed with John; clarified agency head – this was put in due to internal issues at an agency.
- Winnie – okay with moving forward and not having to put a Motion in front of the Council

#### **Update of Budget – Mike Batista**

Received a total of approximately \$87,000 for a budget which covers Wayne's salary and a small operating budget. DOJ is working on additional funding of \$150,000 for one part-time and one full-time FTE Administrative Support, operating money, and POST council budget for travel for non DOC POST Council members. DOJ will support resource, legal services, etc to assist POST council. Will be working on a budget for the next legislative session.

The DCI moved into a new building at 2225 11<sup>th</sup> Ave, across from Overland Express, and the conference room was offered for future POST meetings.

- Winnie thanked Mike and DOJ for their resources. We need to be ready for the next legislative session with a budget and a budget for additional staff. MBCC and DOC have graciously stepped in with Administrative Support for POST to help out with the work.

#### **D. New Business**

##### **1. Approval of the Appointment of Wayne Ternes as the POST Director**

###### **Motion**

**Mike Anderson** moved to accept the appointment of Wayne Ternes as POST Director

**Mike Reddick** seconded

**Motion carried**

## **2. Appeals/Waivers**

**No appeals and waivers**

## **3. Revocations/Suspensions/Closures**

No revocations or suspensions before the Council at this time

One Case Closure –

- Allen read Case Closure Letter #07-001 - Richard Morrow

The family is agreeable with the outcome of Rick Morrow. Allen recommends this case be closed.

Allen has recently signed 5 complaints to move them into the hearings process which the Council will be seeing and a few might be on the November agenda.

Allen thanked John Strandell with offering DCI Investigators to assist with cases.

## **3. EQ Challenges**

All of the EQ Challenges listed below were notified that the Extension is acceptable –

- a. Sheila Crow, Wheatland County SO
- b. Sonja N. Brester, Park County SO
- c. Jesse R. Moss II, Glacier County SO
- d. Charles R. Landers, Bridger PD

### **Motion**

**John Strandell** moved to approve the EQ Challenges

**Mike Anderson** seconded

**Motion carried**

## **5. Extensions:**

- a. James E Battin, Custer County Sheriff's Office
- b. Mathew Brandt, Plentywood PD
- c. David Bjorndahl, Stillwater County SO
- d. Randy Smith, Stillwater County SO
- e. Colleen Benton, PSC employee for the Montana Highway Patrol

Tony Harbaugh would like to be abstained from the vote. His officer from Stillwater County has medical issues.

### **Motion**

**Mike Anderson** moved to approve the Extensions

**Dennis McCave** seconded

**Motion carried**

## 6. Applications for Certificates

- Allen – reads policy changes in rules (included in packet) on the Command and Administrative certificates stemming from a question in the May Meeting Minutes on the Application for Certificates from Stephen Lavin & Tom Butler
- Dennis – recommended a letter of justification to justify the duties of command
- Winnie – If council does not know the chain of command, question the agency for a letter of justification.
- Allen recommends Stephen Lavin be approved for Command & Tom Butler approved for Administrative

### Motion

**John Strandell** moved to approve Applications for Certificates

**Mike Anderson** seconded

**Motion carried**

## ***Amendment to Agenda – Went to Item 9 – Discussion for the Approval of the MLEA Basic Curriculum for the Next Year – Kevin Olson***

## 7. Disbanding of Committees

- a. Disband the Crisis Intervention Training Subcommittee
- b. Disband the Revocation and Suspension Subcommittee

### Motion

**Mike Anderson** moved to disband the Crisis Intervention Training and Revocation and Suspension Subcommittees

**Tony Harbaugh** seconded

**Motion carried**

## 8. Appointments to New Committees

### Motion

**Mike Anderson** moved that we create three committees, Professional and Integrity Standards committee, Curriculum review committee and ARM committee.

**Tony Harbaugh** seconded

**Motion carried**

- a. Professional and Integrity Standards Committee:

- **Committee Members:** Wayne Ternes, Deb Butler, Levi Talkington, Clay Coker, Terry Jesse, Jerry Williams, Butch Husby, John Strandell, Mike Mehn, and Tony Harbaugh. **Chair person** is John Strandell
- Allen brought up issue on hiring practice, ongoing ethical training, supervisory duties

- b. Curriculum Review Committee:

- Quarterly meetings
- Focused look at all curriculum
- **Committee Members:** Wayne Ternes, Levi Talkington, Dennis McCave, Ken Breidenbach, Rich McClain, Dave Garcia, and Greg Hintz. **Chair person:** Dennis McCave.

- Need to review Correction Detention Officer Basic, Juvenile Correction Officer Basic, Adult Probation & Parole Basic, Law Enforcement Basic, Public Safety Officers and other course curriculum.
- Create a core sub-committee for particular curriculum being reviewed
- Letter to agency head for funding to subsidize by agency for per-diem paid to committee members.
- Dennis McCave will draft a letter which contains a statement of purpose and directives for the core-committee

c. ARM Committee

- **Committee Members:** Wayne Ternes, Deb Butler, Mike Anderson, Levi Talkington, Ally Bovington, John Ellington, Mike Batista, Kevin Olson. **Chair Person:** Levi Talkington
- Allen would like to review the final product
- ARM committee is priority.

🚦 Winnie - Important that POST council members use **reply to all** with email messages to keep all informed.

## 9. Discussion for the Approval of the MLEA Basic Curriculum for the Next Year – Kevin Olson

- Welcomes POST & Wayne Ternes to the Academy - looking forward to having a good & meaningful relationship; thanks to Allen for coming on board to help out in the interim
- Recommendation for the creation of the ARM's– do not be so “black & white” on the ARM's; continue to have dialogue & discussion on the rules; suggests using resolutions to provide guidance with ARM process and keep a broader vision of what you want POST to become
- Asking for Conditional Approval of Law Enforcement Basic curriculum for September 2007 Basic with the final approval of Law Enforcement Basic curriculum for January 2008 Basic from POST Council
- Ask that the Curriculum Review Committee review the curriculum & entire study guide for the January 2008 LE Basic
- No substantive changes in the 2008 LE Basic except for some re-alignments in course hours
  - a. 1 hour moved from the MCA Definitions class and moved to the Gender Diversity & Sexual Harassment class – making this class two hours
  - b. 4 hours moved from Traffic Radar (reduced to 12 hours) to a proficiency based course, Deadly Encounters, which would give more hands on training
  - c. Law Enforcement Basic for 2007 will have the 480 course hours and even with the change in course hours, 2008 LE Basic will still have the 480 course hours
  - d. Because MLEA is continuing to struggle with cramming more & more topic matter into 480 hours, it has become necessary to have more independent study and assigning more homework study
  - e. One of the biggest changes that the Curriculum Review Committee will be looking at is the way we manage our Scenario Based Training at mid-term – instead of having 8 mediocre scenarios, we will have 4 or 5

superior scenarios which would give more of a demonstrative hands on training instead of a scenario based training

- Public Safety Communicators Officer Basic will be brought to the November Meeting
  - a. only an hour change in the curriculum; putting the Amber Alert into curriculum program
- Correction Detention Officer Basic
  - a. curriculum re-write with NIC Basic program;
  - b. incorporating the Amber Alert program into the CDOB curriculum by putting it into Control Operations
  - c. CDOB going to a four week Basic program; looking to implement the four week program by August 2008.
- Curriculum for the Law Enforcement Basic, Public Safety Communicators Officer Basic & Correction Detention Officer Basic will be brought to POST in the November meeting for curriculum approval
- Dennis McCave stated a job task analysis be completed for CDOB – three different job tasks to be completed for the large jails, small jails and prisons.
- Miscellaneous Notes & Dates coming up:
  - On September 19, 2007, the Law Enforcement Academy Advisory Council will be held @ MLEA – letters have gone out
  - Will be more aggressive on the professional programs side – will be offering:
    - In October – Crime Scene Photography Course – offering on a annual basis
    - Bill Westphall returning to instruct First Line & Mid-Level Supervisor Courses – 2<sup>nd</sup> week of December & 1<sup>st</sup> week in August 2008 – offering these courses on an annual basis
    - In June 2007 – graduated 15 from the Montana Leadership Institute – 160 hours of training in management leadership – offering the course in January 2008 – will shorten up to 4 months
    - End of October to first part of November – listing a full time position at MLEA - Training Development Specialist who will be dedicated to management/leadership development courses for all professions
    - Launch this winter – been using the E-College web based learning site for our legal equivalency course that Deb Butler is responsible for – enrolled Deb Butler in how to write E-College courses and is taking the course on-line right now – Deb is currently learning how to write the Legal Update Course – will cost about \$43.00 per student to take the course that Deb Butler has created – hoping to have a demonstration at the next POST meeting
    - New classroom project - will be announced in October, hoping to have architect on board in November, bid the job out in April or May 2008, award bid in July 2008, and breaking ground in August 2008



## **E. REPORTS**

### **➤ Winnie Ore for the DOC**

- Sam Lemaich, Regional Administrator, in Missoula, retired
- Both Meth treatment centers are up and running; time will tell to see how they go
- Wayne Ternes last day with DOC is 8/17/07.

### **➤ Allen Horsfall – Interim Director Report**

- List POST on travel voucher when completing for this meeting;
- Statute will be very proactive for POST Council. Many opportunities and challenges are open and available for POST.
- Consortium group started by MACOP - will do wonderful things and looking at two basic things; MACOP, MSPOA representatives & other disciplines involved are currently working on another form of written test
- Thank you to a lot of folks for the POST transition move from MBCC to DOJ: Kevin Olson – MLEA, Deb Butler – MLEA, Jim Thomas – MLEA, Mike Batista – DOJ, John Strandell – DCI, Rick Munson, Mike Anderson - MBCC, Geri Mason – DOC, Mary Baker - CPP, Kristel Matchett – MBCC, Jean Lowry and Tana Curtiss – MLEA, Wayne Ternes, Lisa Hunter - DOC, Col. Moberly - MCS, Derek VanLuchene, Winnie Ore, POST Council members, IT staff at DOJ, MLEA Maintenance staff, and Jeff Douglas – MLEA.
- Any complaints involving Allen Horsfall he will still be available.
- Web page - No entries to integrity report since August 2006. DOJ IT folks have been alerted to the need to update the web page frequently.

🚧 POST Council would like to thank Allen Horsfall for his commitment to POST Council.

### **➤ Kevin Olson – MLEA Administrator (Report integrated with Kevin's Discussion in Number 9 above)**

## **4. Mike Reddick - MHP**

- Currently have 23 cadets at MLEA
- 15 cadets have been stationed
- 10 cadets will go on to LE basic and will be stationed after December
- Colonel will be going to FBI academy
- Montana Highway Patrol has gone to the new written test; will stay consistent with MLEA physical fitness test
- Recruitment will start again
- MHP will only get 10 slots for LE Basic
- MHP has a troop stationed in Poplar

## **5. Ray Murray – Citizens Report**

- Cooley settlement has brought awareness to public. POST Council needs to be aware to this issue.
- 9/12/07 Adolph Kohrs case.

**6. Tony Harbaugh / Dennis McCave - MSPOA Report**

- 9/13/07 is the next meeting for MSPOA
- Setting priorities for next legislative session
- July 22 – 24, 2007 in Billings - Combined Law Enforcement conference – MACOP, MSPOA, MPPA
- MSPOA to monitor racial profiling grant money – MSPOA is going to sit down and explore what the anticipating goals are for this grant money.

**7. Levi Talkington, MPPA Report**

- Jerry Williams – MPPA had a meeting yesterday. Issue of MSPOA to monitor racial profiling grant money.

**8. Mike Anderson, MACO/MBCC Report**

- MACO is communicating the news of how the new laws affect the counties.
- MBCC will assist with the transition of POST moving from MBCC to DOJ.

**9. Vacant - MACOP Report**

- Mark Tymrak reported that MACOP is hiring an outside company to evaluate the physical fitness test. The cost for this is \$12,000 to \$15,000.
- There are 6 to 7 tests available from this company so you can rotate them through the year.

**H. Members Opportunity to Speak**

- Mark Tymrak voiced concern about the Administrative Support position for POST. This position will be dealing with a lot of confidential information.
- The wage is set at entry level \$10.00 / hour.
- Winnie – Eligible members can accept a daily board fee. The daily board fee is \$50.00.

**I. Public Comments**

- Wayne Ternes thanked the POST Council for the opportunity. He will email his contact info to all POST Council members. He wants to keep communication open. He expressed that he will do the right thing for the right reason. He will track his time management on an excel spreadsheet and email to POST Council members.
- Jerry Williams – Does POST Council have the authority to mandate training hours? Winnie said yes, with the new statute.

**J. Adjourn**

Chair Winnie Ore adjourned the meeting at 3:10 PM.

**Motion**

**Mike Anderson** called to adjourn

**Dennis McCave** seconded

**Motion carried**